

United States District Court
For the Northern District of California

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT

8

9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

11

OSCAR GATES,

No. C 88-2779 WHA

12

Petitioner,

ORDER

13

v.

14

KEVIN CHAPPELL, Warden,

15

Respondent.

16

17

18

19

20

21

On February 10, 2014, the Court held an *ex parte* hearing with Tim Brosnan and William Osterhoudt, counsel for petitioner. The proceeding was on the record, transcribed by court reporter Julie Ralston. The transcript will be filed under seal, and available if its production is ever ordered by the Court of Appeals. At this time, the transcript will be filed *ex parte* and under seal, and will not be available to respondent.

22

23

24

Based on the hearing, the Court has reconsidered its Order of January 10, 2014 (Docket # 663) requiring petitioner's counsel to meet with petitioner. The Order is hereby SUSPENDED.

25

26

27

28

Additionally, respondent's counsel is reminded of previous Court orders NOT TO SERVE petitioner Oscar Gates with any filings in this matter without prior permission of the Court. Furthermore, counsel for both petitioner and respondent are reminded that while petitioner's motion for transfer and restoration was denied, it was denied without prejudice.

1 The Court expects the parties to continue to meet and confer in good faith, and to submit a joint
2 plan for further examination of petitioner Gates, in accordance with the Court's order of
3 December 20, 2013 (Docket # 660).

4 Finally, for the convenience of the Court and the parties, petitioner's counsel is
5 ORDERED to file an electronic copy of the Second Amended Petition with the Court.

6

7

8 **IT IS SO ORDERED.**

9

10

11 Dated: February 11, 2014.

12

13

14

15

16

17

18

19

20

21

22

23

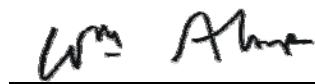
24

25

26

27

28



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE